

HOUSE No. 1378

By Mr. Smizik of Brookline, petition of Frank I. Smizik and others to further protect public health and the environment from toxic chemicals. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

PETITION OF:

Frank I. Smizik
Ruth B. Balser

Stephen Kulik
Deborah D. Blumer

In the Year Two Thousand and Five.

AN ACT TO FURTHER PROTECT PUBLIC HEALTH AND THE ENVIRONMENT FROM TOXIC CHEMICALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. In Section 2 of Massachusetts General Laws
2 Chapter 21I, the definition of “User segment” is hereby repealed
3 and the following is substituted in its place:
4 “User segment,” a set of no fewer than five toxics users who
5 employ a similar production unit, as classified by the department
6 pursuant to section three of this chapter, or that otherwise use a
7 toxic or hazardous substance for similar purposes or in a similar
8 manner.

1 SECTION 2. Section 3(G) of Massachusetts General Laws
2 Chapter 21I is hereby repealed and the following is substituted in
3 its place:
4 (G) On or before January 1, 2006, the department shall promul-
5 gate regulations classifying production units in user segments
6 according to similarities in products, processes, or the purposes
7 for which or manner in which production units use toxic or haz-
8 ardous substances. Such classifications shall be based primarily
9 on the logic and methodology of the product process codes devel-

10 oped for the Organic Chemicals, Plastics, and Synthetic Fibers
11 (“OCPSF”) effluent guidelines and pretreatment standards under
12 the Federal Water Pollution Control Act (“FWPCA”) as amended,
13 reports filed pursuant to section ten of this chapter and, to the
14 extent feasible and appropriate, on protocols and standards used
15 by Massachusetts and other jurisdictions.

1 SECTION 3. Section 14(A) of Massachusetts General Laws
2 Chapter 21I is hereby repealed and the following is substituted in
3 its place:

4 (A) Not later than one year after the department promulgates
5 regulations under section three (G) of this chapter, the council
6 shall promulgate regulations identifying user segments which it
7 considers to be priorities for achieving toxics use reduction, based
8 on recommendations from the department and the office, and
9 in consultation with the Institute. User segments shall include
10 similar production units in all facilities regardless of threshold
11 amounts. Important considerations for identifying priority user
12 segments shall include:

13 (1) amounts of toxic or hazardous substances used by the user
14 segment in the production units of concern and their toxicity;

15 (2) amounts of toxic or hazardous substances disposed of, dis-
16 charged, or released to water, land, air or workplaces within facili-
17 ties;

18 (3) the potential for current and future toxics use reduction and
19 the technical and economic feasibility of such reduction;

20 (4) the need for improvement by the user segment in its toxics
21 use reduction efforts; and

22 (5) the social, health, and economic benefits and costs to the
23 commonwealth, its political subdivisions, workers, and large
24 quantity and small quantity toxics users. Consideration shall be
25 given to the adequacy of the state’s resources to effectively imple-
26 ment the prioritization of a user segment under subsections
27 (D), (B) and (F).

1 SECTION 4. Section 14(B) of Massachusetts General Laws
2 Chapter 21I is hereby repealed and the following is substituted in
3 its place:

4 (B) Beginning not later than six months after the council pro-
5 mulgates regulations under section fourteen (A) of this chapter, the
6 council shall designate no fewer than one and no more than three
7 priority user segments in any calendar year. There shall be at no
8 time more than fifteen priority user segments.

1 SECTION 5. Section 15(A) of Massachusetts General Laws
2 Chapter 21I is hereby repealed and the following is substituted in
3 its place:

4 (A) The department may request authority from the council to
5 establish, by regulation, a performance standard for a priority user
6 segment on a segment-wide basis. Such authority shall be granted
7 if:

8 (1) A majority of toxics users in the user segment fall signifi-
9 cantly below regional, national or international achievements of
10 byproduct generated per unit of product based on reasonably
11 proven, public domain technologies and/or industry practices; or

12 (2) A number of toxics users in the user segment fall signifi-
13 cantly below a Massachusetts-based norm for byproduct generated
14 per unit of product based on reasonably proven, public domain
15 technologies and/or industry practices.

1 SECTION 6. Section 10(H) of Massachusetts General Laws
2 Chapter 21I is hereby repealed and the following is substituted in
3 its place:

4 (H) The department shall make available and, to the extent prac-
5 ticable, shall require, reporting and recording of the report data
6 electronically, including, without limitation, by entering said data
7 onto forms provided for this purpose by the department on its web-
8 site.

1 SECTION 7. This Act shall take effect upon enactment.